

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

<p>UNITED STATES OF AMERICA (Small Business Administration), now Beal Service Corporation, servicing agent for LPP Mortgage, LTD</p> <p>Plaintiff</p> <p>Vs.</p> <p>RUBEN HERNANDEZ CASUL, VIRGINIA HERNANDEZ DE LEON, and the LEGAL CONJUGAL PARTNERSHIP constituted by both, d/b/a Ebanistería Rubén</p> <p>Defendants</p>	<p>CIVIL NO 98-1791 (PG)</p> <p>Collection of Monies and Ordinary Foreclosure of Mortgage Note</p>
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**MOTION FOR EXECUTION OF JUDGEMENT**

**TO THE HONORABLE COURT:**

**COMES NOW** Plaintiff, through the undersigned attorneys, and respectfully states and requests:

1. Judgment was entered in this case on September 16, 1998 which became final and executable.
2. In the Judgment entered, Defendants were ordered and adjudged to pay unto the Plaintiff \$225,694.46 of aggregate principal, \$55,693.41 of interest accrued as of April 21, 1998 and thereafter until its full and total payment, which interest amount increases at the

daily accrual rate of 68.02, plus costs, disbursements and attorneys fees due to the date of sale.

3. Defendants have not complied with the terms and conditions agreed to in the referred judgment.

4. More than sufficient time having elapsed from the date the judgment became firm and final and having the Defendants failed to comply with its terms, then, without any further notice to defendants, Plaintiff wants to initiate the execution of the judgment in this case.

5. Plaintiff thus prays that the United States Marshal or a Special Master appointed by the Court be ordered to proceed forthwith with a public sale of the mortgaged property upon the terms stated herein.

6. The sale to be made by the Marshal or Special Master appointed herein will be subject to the confirmation of this Court, and the purchaser or purchasers thereof may then be entitled to receive possession of the property sold.

7. It is respectfully requested that the minimum bid that may be accepted at the FIRST public sale be the sum of \$225,000.00, according to Article 221 of the Puerto Rico Mortgage Law, 30 LPRA §2722. In the event said first public auction does not produce a bidder and the property is not adjudicated, a SECOND public auction shall be held, and the minimum bid that may be accepted is the sum of \$149,850.00. If said second auction does not result in the adjudication and sale of the property, a THIRD and final auction will be held at the minimum bid that may be accepted is the sum of \$112,500.00. Upon confirmation of the sale, it is respectfully requested that an order be issued canceling all junior liens.

8. Plaintiff respectfully requests that it be allowed to bid the full amount off its judgment or any portion thereof instead of cash.

9. It is also respectfully requested that this Honorable Court appoints Carlos Aguilar Aguilar, Esq., PO Box 193600, San Juan PR 00919-3600, telephone (787) 645-7852, as Special Master. Mr. Carlos Aguilar Aguilar is an attorney at law admitted to practice in the Federal Bar, and has previously served as Special Master in numerous cases before this Court.

**WHEREFORE**, Plaintiff prays that the U. S. Marshal or a Special Master appointed by the Court be ordered to proceed forthwith with a public sale of the mortgaged property.

**RESPECTFULLY SUBMITTED.** In San Juan, on December 7, 2006.

**I HEREBY CERTIFY**, that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all the attorneys of record.

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